

IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF OKLAHOMA

**FILED**

MAR 18 2008

William B. Guthrie  
Clerk, U.S. District Court

Deputy Clerk

RICKKE GREEN,

Plaintiff,

v.

DAVID ORMAN, et al.,

Defendants.

No. CIV 08-109-RAW

**OPINION AND ORDER**

Plaintiff has filed a petition for removal of his state court civil rights action to this court [Docket #1], which the court construes as a notice of removal, pursuant to 28 U.S.C. § 1441 and § 1443. Plaintiff alleges that on September 14, 2006, he filed a civil rights action in Pittsburg County District Court Case No. C-2006-875, but that court construed it as a mandamus action. He further claims the state district court has refused to permit service of the defendants or to adjudicate the merits of his case.

The court has carefully reviewed the record and construes plaintiff's pleadings liberally. *Haines v. Kerner*, 404 U.S. 519 (1972). Only the defendants, however, may move for removal from state to federal court. *See* 28 U.S.C. § 1446. Furthermore, a review of the docket in Case No. C-2006-875 reveals plaintiff's application was denied on May 18, 2007. *See* www.oscn.net. The Oklahoma Supreme Court also dismissed plaintiff's appeal of the matter on September 17, 2007, in Case No. IN-104775. *See id.*

**ACCORDINGLY**, this action is, in all respects, **DISMISSED**.

**IT IS SO ORDERED** this 18<sup>th</sup> day of 2008.

A handwritten signature in cursive script, reading "Ronald A. White", is positioned above a horizontal line.

**RONALD A. WHITE**  
**UNITED STATES DISTRICT JUDGE**